



# California Fair Political Practices Commission

November 18, 1991

Robert K. Booth Jr.  
Atkinson and Farasyn, Attorneys at Law  
660 West Dana Street  
Mountain View, CA 94042

Re: Your Request for Advice  
Our File No. I-91-470

Dear Mr. Booth:

You have requested assistance under the conflict of interest provisions of the Political Reform Act (the "Act").<sup>1/</sup> Because your request is a general inquiry, we treat it as one for informal assistance pursuant to Regulation 18329(c).<sup>2/</sup>

## QUESTION

What are the record retention requirements for statements of economic interests filed with local agencies?

## CONCLUSION

Under the provisions of the Act, original statements of economic interests must be retained for seven years from the filing deadline. Copies of such statements must be retained for four years from the filing deadline.

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

<sup>2/</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

Copies of Commission regulations and opinions are available in many law libraries. Alternatively, copies of these materials and Commission advice letters may be obtained from the Commission at a cost of 10¢ per page.

ANALYSIS

As defined in Regulation 18115, a filing officer is the person or agency which receives and retains original statements of economic interests. (Section 87500.) A filing official is the person or agency which receives original statements and is required to make and retain copies and forward the originals to the appropriate filing officer. Because many local agencies retain both originals and copies of statements of economic interests, they may be both a filing officer and a filing official.

Filing officers who receive and retain original statements of economic interests filed by local public officials are required to retain those statements for a period of not less than seven years. (Section 81009(e).) Filing officials who retain only copies of such statements are required to retain them for a period of not less than four years. (Section 81009(f).) After an original or copy of a report or statement has been on file for at least two years, the filing officer/official may retain a copy on microfilm or other space saving materials available for public inspection instead of the original or copy. (Section 81009(g).)

I hope the information in this letter has been helpful. If you have any questions, please contact me at (916) 322-5662.

Sincerely,

Scott Hallabrin  
Acting General Counsel



By: Linda Moureaux  
Political Reform Consultant

SH/LM/ts

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Oct 7 1991  
J. M. ATKINSON (1982-1982)  
L. M. FARASYN (1915-1979)

October 4, 1991

Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814

Re: Retention of Disclosure Statements

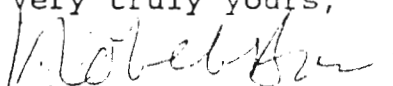
Gentlemen:

The undersigned represents a number of local agencies whose members file entering office, leaving office and annual Statements of Economic Interests with the respective filing agents such as the City Clerk.

Recently I have been contacted and asked to advise whether there are any particular record retention requirements with respect to such statements. I have found no such requirements in the Government Code and unless there are some elsewhere or in your regulations, I believe such records would be subject to the ordinary California Public Records Retention laws which would require a retention of only two years after the document is created. I believe this is somewhat insufficient for achieving the purposes of the Act and intend to advise my clients that they should retain Statement of Economic Interests from all elected or appointed office holders for a period of at least two years after the person has filed a leaving office statement and that five years thereafter would be even more preferable. Following that period of time, the records could then be destroyed.

Do you have any comments on this matter? I would appreciate hearing from you especially if your thoughts differ from mine as to what is an appropriate period to retain these letters.

Very truly yours,

  
Robert K. Booth, Jr.

RKB:fmc